

REMARKS

Claims 1-45 and 47 are pending.

Claims 1-3, 26 and 45 are amended. These amendments are supported at least by

Fig. 11.

Applicants thank Examiners Leung and Sedighian for the courtesies extended to Applicants' representative, Mr. Paul Tsou, during the November 1, 2007 personal interview. The substance of the personal interview is incorporated in the remarks below.

The Office Action rejects under 35 U.S.C. §103, claims 1-6, 14-16, 23-25 and 32-35 over Andreu-von Euw et al. (U.S. Patent No. 7,120,363) (Euw) in view of Dye (U.S. Patent No. 4,330,204); claims 26, 30, 31 and 45 over Goodwill (U.S. Patent No. 6,775,480) in view of Dye; claims 7-9 and 36-38 over Euw in view of Dye and further in view of Graves et al. (U.S. Patent No. 6,721,510); claims 39-42 over Euw in view of Dye and further in view of Javitt et al. (U.S. Patent No. 6,381,055); claims 10, 11, 43 and 44 over Euw in view of Dye and further in view of Goodwill; claims 20-22 over Euw in view of Dye and further in view of Mun (U.S. Patent No. 5,663,944); claim 47 over Goodwill in view of Dye and further in view of Euw; and claims 27-29 over Goodwill in view of Dye and further in view of Javitt. These rejections are respectfully traversed.

During the personal interview, Examiners insisted that Dye teaches moving detector 98 relative to mirror 114 and that this naked idea alone can be extracted and inserted into Euw and Goodwill. This is not the law.

Dye carefully designed movements of detector 98 relative to mirror 114 to achieve a specific goal (see C6/L18-41). In particular, mirror 114 must be spherical and detector 98 must move along a spherical surface 99. Changing these requirements, as Examiners desire, introduces unpredictability and is not merely applying old elements to operate in their expected ways to generate the predictable results as stated by the Supreme Court in *KSR*.

Examiners desire to insert the teachings of Dye into Euw and Goodwill which have completely different configurations without anything spherical. A spherical reflector cannot be inserted in Euw or Goodwill without undue experimentation, and indeed invention, if there is any motivation for doing so, which there is not. Such an insertion only causes adding unnecessary materials and complexity to achieve a purpose for which Euw and Goodwill already provided a solution. Accordingly, one of ordinary skill in the art would not have made such a combination. The combination is only motivated by hindsight reconstruction which the Supreme Court confirms is still the law.

In any case, the Office Action admits that Euw and Goodwill do not disclose scanning a light-emitting element relative to a transmission light condenser lens or scanning a light-detecting element relative to a received light condenser lens, but asserts that Dye discloses such features, citing col. 5, lines 17-54 and Fig. 6a, element 114. However, none of the references disclose or suggest scanning using straight line movements of the light-emitting or light-detecting elements relative to a respective condenser lens as required by claims 1-3, 26 and 45.

At col. 5, lines 17-54, Dye discloses a gimbaling mechanism, transmitter lens system 94 is fixed relative to laser 88 of transceiver 74. See Fig. 4. Thus, even though transceiver 74 may be gimbaled to rotate relative to outer cylinder 64, laser 88 and transmitter lens system 94 move together and do not move relative to each other. As shown in Figs. 6a and 7a, detector 98 is forced to rotate within the predetermined focal spherical surface 99 as shown in Fig. 4. Thus, Dye does not disclose or suggest straight line movements.

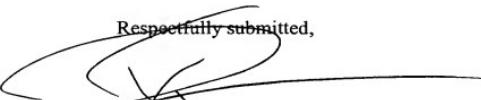
In view of the above, Dye does not disclose or suggest scanning a light-emitting element relative to a transmission light condenser lens recited in claims 1, 3, 26 and 45 or scanning a light-detecting element relative to a received light condenser lens recited in claim 2 using straight line movements. None of the other applied references disclose the

above discussed features. Thus, none of the references discloses or suggests the subject matter recited in claims 1-3, 26 and 45. Claims 4, 7, 14, 17, 20, 23, 32, 36 and 39 depend ultimately from 1, claims 5, 8, 10, 15, 18, 21, 24, 34, 37, 41 and 42 depend ultimately from claim 2, claims 6, 9, 11-13, 16, 19, 22, 25, 33, 35, 38, 40, 42 and 44 depend ultimately from claim 3, claims 27-31 depend from claim 26; and claim 47 depends from claim 45. Thus, none of the references discloses or suggests the subject matter recited in claims 1-45 and 47. Withdrawal of the rejections of claims 1-45 and 47 under 35 U.S.C. §103 is respectfully solicited.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-45 and 47 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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